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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Interconnection and Resale Obligations)
Pertaining to)
Commercial Mobile Radio Services)

CC Docket No. 94-54

To: The Commission

OPPOSITION TO AT&T CORP.'S
PETITION FOR PARTIAL RECONSIDERATION

The National Wireless Resellers Association ("NWRA") hereby opposes the
Petition for Partial Reconsideration filed by AT&T Corp. ("AT&T").

NWRA is the national trade association of parties who resell cellular and other
Commercial Mobile Radio Services ("CMRS"). NWRA filed its own petition requesting
Commission reconsideration of its decision to sunset the resale obligation for CMRS
providers.

In its petition, AT&T asks the Commission to rescind the Commission's
decision to extend the CMRS resale obligation to "the same package of bundled service
and customer premises equipment ["CPE "] that [any CMRS provider] offers to other large
customers." Interconnection and Resale Obligations Pertaining to Commercial Mobile
Radio Services, FCC 96-263 (July 12, 1996) ("First Report and Order") at ¶ 31. AT&T
challenges the Commission's view that "excluding from the resale rule all bundled packages

that include non-Title II components would potentially offer carriers an easy means to circumvent the rule." *Id.* AT&T claims that the market for cellular CPE is "'extremely competitive'" and that resellers therefore have "the option of creating their own packages of CPE, enhanced services, and common carrier services" AT&T Petition at 4.


AT&T's position is contradicted by the record in the instant proceeding. The level of competition in the cellular CPE market says nothing about the ability of a dominant FCC-licensed cellular carrier to employ bundled packages of CPE and time to undermine the Commission's resale rule and thwart competition from cellular resellers. A carrier like AT&T could cross-subsidize its purchase of CPE through its cellular operations to provide packages that a reseller could never match, regardless of the level of competition in the cellular CPE market. Cellular carriers could then offer large customers attractive packages of non-discounted airtime bundled with below-cost CPE. Without the ability to resell the carrier's bundled package, resellers would be forced to purchase airtime at non-discounted prices and would thus lack the operating margin to create bundled packages of airtime and discounted CPE that could compete with the carriers' bundled packages. In that event, the resellers' right to buy airtime would be meaningless. The Commission is therefore correct in concluding that the carriers could use bundling to circumvent their resale obligations.

WHEREFORE, in view of the foregoing, it is respectfully requested that
AT&T's petition be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 27 day of September, 1996, a copy of National Wireless Resellers Association's OPPOSITION TO AT&T CORP.'S PETITION FOR PARTIAL RECONSIDERATION was sent by first class mail, postage prepaid, to the following:

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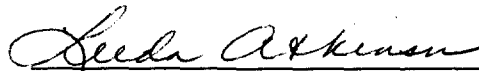
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